

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

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ORDER

Presently before the court is defendant's motion to change venue (doc. #78), to which the government has responded (doc. #80). Also before the court is the defendant's motion to dismiss (doc. #79), to which the government has responded (doc. #81). To date, the defendant has not filed a reply to the response to either motion.

The substance of the two motions is contained in a three-page, handwritten letter in which the defendant requests that his case be moved to Los Angeles, California. Defendant also accuses his current counsel, Gary Meyers, of being “mentally ill, paranoid schizophrenic, type, lawyer” (doc. #79) and of failing to file his handwritten motion to dismiss. The defendant does not request new counsel, nor does he request to represent himself.

The Local Rules state that “[a] party who has appeared by attorney cannot while so represented appear or act in the case.” LR IA 10-6(a). As the defendant is currently represented by counsel, the filing of these motions was improper. Moreover, on November 4, 2010, Magistrate Judge

1 Leavitt held a competency hearing, at which time the court stated:

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3 Based on Dr. Brown's report, and on Mr. Myers' representations concerning the
4 defendant's apparent inability to cooperate with and properly assist him in the defense
5 of this case, and on the court's observation of the defendant's apparently irrational
6 refusal to cooperate with his attorney or with any forensic examination into his
competency, the court finds by a preponderance of the evidence that the defendant is
presently suffering from a mental disease or defect rendering him mentally
incompetent to the extent that he is unable to assist properly in his defense.

7 (Doc. #70). Pursuant to this order, the government urges the court to strike the two pending motions.

8 The court agrees.

9 Accordingly,

10 IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that defendant's motion to
11 change venue (doc. #78) and motion to dismiss (doc. #79) are DENIED;

12 IT IS FURTHER ORDERED that defendant's motion to change venue (doc. #78) and motion
13 to dismiss (doc. #79) are hereby ordered STRICKEN.

14 DATED this 22nd day of April, 2011.

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18 UNITED STATES DISTRICT JUDGE
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